

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JANICE ) APPEAL NO. 07-A-2435  
SCHACHTER from the decision of the Board of ) FINAL DECISION  
Equalization of Owyhee County for tax year 2007. ) AND ORDER

**VACANT LAND APPEAL**

THIS MATTER came on for hearing December 18, 2007, in Murphy, Idaho, before Hearing Officer Steven L. Wallace. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant Janice Schachter appeared. Assessor Bret Endicott and Appraiser Ted Sherburn appeared for Respondent Owyhee County. This appeal is taken from a decision of the Owyhee County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP007500030060A.

**The issue on appeal is the market value of vacant land.**

**The decision of the Owyhee County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$85,000. Appellant requests the land value be reduced to \$48,000.

The subject property is an unimproved five acre residential lot located in a subdivision in Owyhee County outside of Murphy, Idaho.

Appellant presented documents prepared with the help of local Realtors which included sales of bare land property during 2006. The sale prices ranged from \$33,500 to \$80,000 and the lot sizes ranged from four to six acres in size. Appellant claimed a market value of \$48,000 after considering all of the 2006 sales presented in the exhibit. Appellant did not know which of the sales were located in subdivisions. The location of some of the sales was not known.

The Respondent presented a packet of information marked into evidence. The packet

contained information on statutory authority the County is required to comply with in assessing property for taxation purposes. Respondent's exhibit also contained information on how sale prices were adjust to reflect the sale price on the January 1 2007 lien date. Lastly, it contained information on comparable properties used to determine the market value of Appellant's property.

The Assessor indicated there were no bare land sales in subject subdivision but there were several bare land sales in White Horse Subdivision. White Horse Subdivision was described as a new subdivision located next to subject subdivision. The Assessor indicated White Horse Subdivision was similar to subject subdivision because it was located in close proximity, both subdivisions consisted of five acre parcels, had paved roads, met fire district requirements and had underground power and similar septic system requirements.

Dissimilarities included a community well for subject subdivision and individual wells in White Horse. Additionally, White Horse Subdivision was new, while subject subdivision was more established.

The Assessor presented information to support a time adjustment of 20.3% per year, or 1.6% per month. After time adjusting the sale prices to reflect the sale price on January 1 2007, Respondent valued the subject property at \$85,000. Respondent did indicate at hearing once the sales provided by Appellant were "time adjusted" to the January 1 lien date, the sales support the assessed values.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in

support of their respective positions, hereby enters the following.

Appellant disputed the increase in assessed value of almost \$55,000 dollars in one year. Appellant presented information on sales that had occurred in the area of like sized parcels of land. Almost all appeared to be located outside subject subdivision.

There were no bare land sales in subject subdivision, so Respondent utilized sales in White Horse Subdivision. This subdivision is located next to subject subdivision and has similar attributes.

Idaho statutes require assessed values reflect market value as of the January 1 lien date each year. Since comparable sales are analyzed to indicate the assessed values of properties that have not sold, sale prices must also reflect the same lien date. Increasing or decreasing sale prices to the lien date is referred to as time-adjusting.

**Idaho Code § 63-205. Assessment – Market value for assessment purposes**

(1) All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day of January in the year in which such property taxes are levied, except as otherwise provided. Market value for assessment purposes shall be determined according to the requirements of this title or the rules promulgated by the state tax commission.

Appellant did not address the January lien date with the sales prices offered. Respondent addressed the increase in sale prices, and provided documentation to support that a time adjustment was warranted, which remain undisputed by Appellant.

Both parties should be complimented for researching and presenting the sales information supporting their cases.

“The value of the property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a preponderance of the] evidence that he is entitled to the relief claimed.” Board of County

Commissioners of Ada County v. Sears, Roebuck and Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

In this case, Appellant has failed to meet the burden. Respondent presented evidence of sales that occurred in a subdivision in close proximity to subject subdivision. The best evidence of subject land value would be from similar sales. Respondent was able to provide this evidence with a time adjustment which supported the assessed value.

Therefore, the decision of the Owyhee County Board of Equalization is affirmed.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Owyhee County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED April 30, 2008